

FAX RECEIVED

OFFICIAL

MAR 05 2002

GROUP 1600

Please type a plus sign (+) inside this box ->



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OM1 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/392,822
		Filing Date	September 9, 1999
		First Named Inventor	YU, DE-CHAO
		Group Art Unit	1632
		Examiner Name	WOITACH, JOSEPH T.
Total Number of Pages in This Submission	16	Attorney Docket Number	CELL-014
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Fax Cover Sheet 2. Reference	Remarks
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual Name Signature Date	PAMELA J. SHERWOOD, Reg. No. 36,677 March 4, 2002		

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office at the 1650-60 Art Unit's following fax number: (703) 308-1242 on this date: March 4, 2002.

Typed or printed name	Susan M. Alessi	Date	March 4, 2002
Signature			

Burdon Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMJ 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 120.00)

Complete if Known

Application Number	09/392,822
Filing Date	September 9, 1999
First Named Inventor	YU, DE-CHAO
Examiner Name	WOITACH, JOSEPH T.
Group Art Unit	1632
Attorney Docket No.	CELL-014

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:
 Deposit Account Number 50-0815
 Deposit Account Name Bozicevic, Field & Francis LLP
☒ Charge Any Additional Fee Required
 Under 37 CFR 1.16 and 1.17
☒ Applicant Claims small entity status.
 See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

2. BASIC FILING FEE

Large Fee Code	Entity Fee Code	Small Fee Code	Entity Fee Code	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
108	330	200	185	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
24-20** = 4 x		9.00 = 36.00	
Indep. Claims 5-3** = 2 x		42.00 = 84.00	
Multiple Dependent			

Large Fee Code	Entity Fee Code	Small Fee Code	Entity Fee Code	Fee Description	Fee Paid
103	18	203	0	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$ 120.00

**or number previously paid, if greater, For Reissues, see above.

FEE CALCULATION (continued)

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examination action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to Institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	820	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For each additional invention to be examined (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
170	740	279	370	Request for Continued Examination (RCE)	
188	900	109	900	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)

Pamela J. Sherwood

Registration No.

36,877

(Attorney/Agent)

Telephone

(650) 327-3400

Signature

Pamela J. Sherwood

Date

03/04/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

H23 C
3-5-02
Pr

OFFICIAL

CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office at the 1650-60 Art Unit's following fax number: (703) 308-4242 on this date: March 4, 2002.			
Typed or Printed Name		Susan M. Alessi	
Signature		Date 3/4/2002	

FACSIMILE TRANSMITTAL

FAX RECEIVED

BOZICEVIC, FIELD & FRANCIS LLP

MAR 05 2002

200 Middlefield Road
Suite 200

GROUP 1600

Menlo Park, California 94025

Telephone (650) 327-3400

Facsimile (650) 327-3231

Date: March 4, 2002

To: Examiner Joseph T. Woitach, Art Unit-1632
United States Patent and Trademark Office

Facsimile No.: (703) 308-4242

From: Pamela J. Sherwood, Reg. No. 36,677
Bozicevic, Field & Francis LLPRe: U.S. Patent Application No. 09/392,822 for
Title: ADENOVIRUS VECTORS CONTAINING CELL
STATUS-SPECIFIC RESPONSE ELEMENTS AND METHODS
OF USE THEREOF
Inventor(s): De-Chao Yu
Filed: September 9, 1999
Attorney Docket: CELL-014

Enclosed:

- Transmittal (1 page)
- Fee Transmittal in Duplicate (2 pages)
- Preliminary Amendment (7 pages)
- Cited Reference (5 pages)

For problems with this transmission please contact Susan M. Alessi by phone at 650-833-7714 or via email at Alessi@bozpat.com.

Total number of pages, including this cover sheet: 16

03/06/2002 PZIMMERM 00000003 500015

09392822

WARNING: This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained herein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office at the 1650-60 Art Unit's following fax number: (703) 308-4242 on this date: March 4, 2002.

Typed or Printed Name Susan M. Alessi

Signature



Date

March 4, 2002

PRELIMINARY AMENDMENT

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Attorney Docket

CELL-014

First Named Inventor

D. Yu

Application Number

09/392,822

Filing Date

September 9, 1999

Group Art Unit

1632

Examiner Name

Joseph T. Voitach

Title: *Adenovirus Vectors containing Cell Status-Specific Response Elements and Methods of Use thereof*

Sir:

Prior to examination, Applicants request entry of the following amendments.

IN THE CLAIMS

Please replace the pending claims with the correspondingly numbered claims below. Claims added herein are noted by the text in parentheses.

1. A replication-competent adenovirus vector comprising, a hypoxia responsive element (HRE) operably linked to an adenovirus gene essential for replication selected from the group consisting of E1A, E1B and E4, wherein said HRE comprises a binding site for hypoxia inducible factor-1.

8. The adenovirus vector of claim 1, wherein the HRE is human.

14. The adenovirus vector of claim 1, wherein said adenovirus gene essential for replication is operably linked to a composite regulatory element comprising said HRE and a cell-type specific transcriptional regulatory element (TRE).

15. The adenovirus vector of claim 14, wherein said cell type-specific TRE comprises a promoter.